THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25535 OF 2006

DATED: 22-01-2007

BETWEEN

Shaik Subhan, S/o. Late Ahmed Saheb,
Occ: employee in SCCO. Limited,
R/o. Coolie Lines, Kothagudem, Khammam
District.

...PETITIONER

AND

The Station House Officer, III-Town Police Station,
Kothagudem, Khammam District and another.

...RESPONDENTS

ORDER:

The writ petition has been filed seeking a Writ of Mandamus to declare the action of the first respondent – SHO, III Town Police Station, Kothgudem, in calling the petitioner to the police station; making him to sit and threatening him to settle disputes with the second respondent as illegal and arbitrary and to direct the first respondent not to call him to the police station.

2. Counter has been filed stating that the second respondent never approached the police and lodged any complaint against the petitioner. In fact, the petitioner was never called to the police station to settle the alleged disputes. It is further stated that neither any complaint is filed or pending nor the petitioner was called to the police station and made to sit.

3. In view of the aforesaid categorical denial of the averments of the petitioner, I am of the opinion that the disputed questions of fact cannot be

gone into in a writ petition.

The writ petition is accordingly dismissed with a liberty to the petitioner to file a fresh writ petition or take appropriate action in accordance with law. There shall be no order as to costs.

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V. ESWARAIAH, J

January 22, 2007
DSK